

JOSHUA TEMPLE and
JILLIAN TEMPLE,

Plaintiffs,

VS.

Case No. 5:24-cv-06084

WAUSAU HOMES INCORPORATED,
PHILLIPS BUILDERS, LLC, and
SCOTT PHILLIPS,

Defendants.

DECLARATION OF KRISTIE S. CRAWFORD

I, Kristie S. Crawford, hereby declare as follows:

1. I am a Principal with Brown and James, P.C. and am counsel to Defendant Wausau Homes Incorporated (“Wausau Homes”) in this case.
2. I make this declaration based upon my personal knowledge and experience. I can and would testify truthfully to the matters set forth below if called upon to do so.
3. Plaintiffs Joshua Temple and Jillian Temple did not serve interrogatories or requests for production to Wausau Homes until April 17, 2025. The only interrogatories and requests for production served to Wausau Homes prior to the filing of Plaintiffs’ First Motion for Extension of Time and to Amend Case Management Order (Doc. 29) were served in *Christina Francis and Cole Francis v. Wausau Homes Incorporated, et al.*, Case No. 5:23-cv-06019-SRB (W.D. Mo.) (“Francis Lawsuit”). No written discovery requests were served to Wausau Homes by Plaintiffs’ counsel between October 3, 2024 and April 17, 2025.
4. Around November 2024, Tanner Kirksey, Plaintiffs’ counsel, requested dates for the depositions of Jay Schuette and Chris Menard, Wausau Homes’ current employees, and Jason

Barnum, Chris Menard, Brad Miller, and Joey Loftsgard, who are former employees of Wausau Homes.

5. On November 20, 2024, I informed Tanner Kirksey and Ryan Keane, Plaintiffs' counsel, via email that I did not believe I would be able to produce Wausau Homes' former employees for deposition and provided the last known telephone numbers and addresses of Mr. Barnum, Mr. Miller, and Mr. Loftsgard.

6. On or about December 10, 2024, Mr. Keane requested the contact information for additional Wausau Homes employees.

7. On December 13, 2024, I sent an email to Mr. Keane and Mr. Kirksey providing the last known addresses, email addresses, and telephone numbers of Zach Krivoshein, Keith Nikolaus, Mary Frederick, and Len Kats, who are Wausau Homes' former employees.

8. The parties discussed conducting the depositions of Mr. Schuette and Mr. Menard on January 20, 2025. However, on January 8, 2025, Mr. Kirksey informed me they only wanted to depose Mr. Schuette on January 20, 2025 in case Mr. Schuette's deposition took the entire day.

9. I took the depositions of Plaintiffs Joshua Temple and Jillian Temple on March 18, 2025.

10. The only deposition taken on behalf of Plaintiffs Joshua Temple and Jillian Temple to date is the deposition of Jay Schuette, Wausau Homes' President and CEO, which was taken on January 20, 2025. Mr. Schuette's deposition was originally noticed in the Francis Lawsuit. Plaintiffs Joshua Temple and Jillian Temple filed a Cross-Notice of Deposition on January 15, 2025. (Doc. 24).

11. Plaintiffs served their Initial Expert Disclosures on January 31, 2025.

12. Wausau Homes did not disclose any expert witnesses.

13. On April 7, 2025, I received an email from Mr. Kirksey inquiring as to Mary Frederick's availability for deposition the week of April 21, 2025. To the best of my recollection, this was the first request for the deposition of a current or former employee of Wausau Homes since Mr. Schuette was deposed in January 2025. I have not been able to locate any emails or other correspondence between January 20, 2025 and April 7, 2025 in which Plaintiffs' counsel requested dates for the depositions of Wausau Homes' former or current employees.

14. On April 8, 2025, I informed Mr. Kirksey that Ms. Frederick was not employed by Wausau Homes and that I could not produce her for deposition. I reminded him that Ms. Frederick's contact information was provided in December. I further asked that he let me know if he planned to subpoena Ms. Frederick for deposition the week of April 21st so that I could check with my client's representative and co-counsel as to their available dates.

I declare under penalty of perjury that under the laws of the United States of America that the foregoing is true and correct.

Signed on this 21st day of April, 2025 in the United States.



Kristie S. Crawford

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